

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA,

Plaintiff,

v.

MENDOZA,

Defendant.

Case No. 1:22-cv-01585-BAM (PC)

**ORDER GRANTING JOINT STIPULATION
TO EXTEND PLAINTIFF’S DEADLINE TO
OPPOSE DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT**

(ECF No. 95)

Opposition Due: November 20, 2025

Plaintiff Esmeling L. Bahena (“Plaintiff”) is a state prisoner proceeding through counsel and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendant Mendoza (“Defendant”) for excessive force and deliberate indifference to medical care in violation of the Eighth Amendment. All parties have consented to Magistrate Judge jurisdiction. (ECF No. 40.)

On October 9, 2024, Defendant filed a motion for summary judgment. (ECF No. 92.) On October 14, 2024, Defendant filed a notice of errata regarding a supporting exhibit, and the Court issued an order clarifying the deadlines for Plaintiff’s opposition and Defendant’s reply to the motion for summary judgment. (ECF Nos. 93, 94.)

Currently before the Court is the parties’ joint stipulation to extend Plaintiff’s current deadline to file an opposition to Defendant’s motion for summary judgment. (ECF No. 95.) The parties state that since Defendant filed the motion for summary judgment, the parties have been

1 engaged in informal settlement discussions. The parties require additional time to complete these
2 discussions and potentially resolve this matter in its entirety. To potentially avoid the
3 unnecessary expenditure of party resources, the parties stipulate to extending Plaintiff's deadline
4 to file an opposition to Defendant's motion for summary judgment to November 20, 2025.
5 Should this matter settle prior to the stipulated extended deadline, the parties will file a Notice of
6 Settlement in accordance with Local Rule 160(a). The stipulation is signed by counsel for all
7 parties. (*Id.*)

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. The joint stipulation to extend Plaintiff's deadline to oppose Defendant's motion for
10 summary judgment, (ECF No. 95), is GRANTED;
- 11 2. Plaintiff's opposition to Defendant's motion for summary judgment is extended by
12 **twenty-one (21) days**, or until **November 20, 2025**; and
- 13 3. Defendant's reply, if any, is due not more than **fourteen (14) days** following the filing of
14 Plaintiff's opposition.

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16 IT IS SO ORDERED.

17 Dated: October 30, 2025

18 /s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE
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